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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-41**

11 **PEGGY TROPLE**
12 180 A Hamilton Avenue, Apt. 505
Palo Alto, CA 94301
13 **Registered Nurse License No. RN 300943**

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about April 30, 1979, the Board of Registered Nursing issued Registered Nurse
22 License Number RN 300943 to Peggy Trople (Respondent). The Registered Nurse License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 December 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct. . .

• • •

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially

1 related to the qualifications, functions, or duties of the business or profession for which the
2 license was issued.

3 8. Section 125.3 of the Code provides, in pertinent part, that the
4 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to
5 have committed a violation or violations of the licensing act to pay a sum not to exceed the
6 reasonable costs of the investigation and enforcement of the case.

7 FACTUAL BACKGROUND

8 9. On or about March 17, 2009, in Santa Clara County Superior Court Case No. BB
9 730320, Respondent was convicted of violating Vehicle Code section 23152(b), driving a vehicle
10 with a blood alcohol level of .08 percent or more. Respondent admitted she had a blood alcohol
11 level of .15 percent or higher. Respondent was placed on 3 years probation including 10 days in
12 county jail. The circumstances leading to Respondent's conviction are as follows:

13 10. On or about October 3, 2007, Respondent drove a vehicle with a blood alcohol level
14 of .15% or higher. Palo Alto police found Respondent passed out in her vehicle. Respondent was
15 so intoxicated she could not remember how she got into the vehicle.

16 11. On or about March 13, 2009, in Santa Clara County Superior Court Case No. CC
17 785215, Respondent was convicted of violating Vehicle Code section 23152(b), driving a vehicle
18 with a blood Alcohol level of .08 percent or more. Respondent admitted she had a blood alcohol
19 level of .15 percent or higher. Respondent was placed on 3 years probation including 10 days in
20 county jail. The circumstances leading to Respondent's conviction are as follows:

21 12. On or about October 15, 2007, Respondent drove a vehicle with a blood alcohol level
22 of .15% or higher. A preliminary alcohol screening revealed Respondent had a blood alcohol
23 content of .235 percent.

24 13. On or about March 13, 2009, in Santa Clara County Superior Court Case No. CC
25 785217, Respondent was convicted of violating Vehicle Code section 23152(b), driving a vehicle
26 with a blood alcohol level of .08 percent or more. Respondent admitted she had a blood alcohol
27 level of .15 percent or higher. Respondent was placed on 3 years probation including 20 days in
28 county jail. The circumstances leading to Respondent's conviction are as follows:

14. On or about October 16, 2007, Respondent drove a vehicle with a blood alcohol level of .15% or higher. Respondent hit a parked vehicle. Respondent was so intoxicated she could not complete a preliminary alcohol screening nor field sobriety tests.

15. On or about March 20, 2009, in Santa Clara County Superior Court Case No. BB 939719, Respondent was convicted of violating Penal Code sections 602.5(a), Unauthorized entry of property, and Penal Code section 602(o), trespassing. Respondent was placed on 2 years probation. The circumstances leading to Respondent's conviction are as follows:

16. On or about March 18, 2009, Respondent entered a property legally possessed by Respondent's relatives. Palo Alto police informed respondent that she needed to leave the property and could not return. Respondent left the property and informed police that she understood she was not allowed to return to the property. Within ten minutes of leaving the property illegally re-entered the property.

FIRST CAUSE FOR DISCIPLINE

(Alcohol Convictions)

17. Respondent is subject to disciplinary action under section 2762(c) of the Code in that Respondent was convicted of three crimes involving the consumption of alcohol. The circumstances are described in paragraphs 9-14, above.

SECOND CAUSE FOR DISCIPLINE

(Substantially Related Convictions)

18. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the code in that Respondent was convicted of crimes that are substantially related to the duties, functions, or qualifications of a registered nurse. The circumstances are described in paragraphs 9-16, above.

THIRD CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

19. Respondent is subject to disciplinary action under section 2762(b) in that Respondent used alcohol in a manner that was dangerous or injurious herself, any other person, or the public. The circumstances are described in paragraphs 9-14, above.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 20. Respondent is subject to disciplinary action under section 2761(a) of the Code in that
4 Respondent was involved in unprofessional conduct. The circumstances are described in
5 paragraphs 9-16, above.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number RN 300943, issued to
10 Peggy Trople;

11
12 2. Ordering Peggy Trople to pay the Board of Registered Nursing the reasonable costs
13 of the investigation and enforcement of this case, pursuant to Business and Professions Code
14 section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.
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17

18 DATED: July 19, 2011

19 Louise R. Bailey
20 LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant
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